December 20, 2006

VIA ELECTRONIC FILING
Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

> **Re:** **Comments of the Recording Artists' Coalition**
> **Introduction of Unlicensed Devices in the "White Spaces"**
> **ET Docket No. 04-186**

Dear Ms. Dortch:

The Recording Artists' Coalition ("RAC") recognizes the challenge that the Commission faces developing rules that will allow unlicensed devices to operate in the "white spaces" without creating interference to incumbent services such as wireless microphone ("wireless mic") operations. At this critical juncture, as the Commission prepares to conduct its first tests of the proposed unlicensed devices, RAC reminds the Commission of its obligation to protect all incumbents in the "white spaces," and urges the Commission to avoid taking action that might harm any incumbent.

RAC is a nonprofit, non-partisan coalition formed to represent the interests of recording artists with regard to legislative issues in which corporate and artists' interests conflict, and to address other public policy debates that come before the music industry. RAC represents over 130 well-known featured recording artists, including Don Henley, Sheryl Crow, Jimmy Buffett, the Dixie Chicks, Billy Joel, Stevie Nicks, Bonnie Raitt and Bruce Springsteen.

RAC's members use wireless mics in a wide variety of settings, including during live performances that entertain literally millions of Americans each year. Wireless mics have proliferated throughout the recording industry and have been widely adopted by RAC's members because of their high level of reliability. Wireless microphones and related high-quality wireless audio gear are essential to virtually every musical, theatrical, televised or other artistic performance taking place in the country today.

Artists, producers, event managers, investors -- and American audiences -- all rely on and expect the freedom of movement and audio experience that today's high-quality wireless microphones make possible. Should the Commission adopt rules for unlicensed devices in the "white spaces" that fail to protect and otherwise compromise the reliability of wireless mics, the effects will be widely felt throughout the recording industry and by American audiences. The American public will not be satisfied if the acoustics at live performances are degraded, or worse, cannot be heard at all. While other industries will continue to cut the "cord" and adopt wireless technologies, the recording industry will be forced to abandon significant investment in existing systems and to take a giant step backwards by readopting wired microphones and equipment.

RAC wants the Commission to avoid this outcome by ensuring that it does not adopt rules that result in the introduction of new radio devices that interfere with wireless microphone operations. As a first step, it is critical that the Commission include wireless mics in its laboratory and field-testing from the beginning of its test program. The Commission cannot effectively draft rules that protect wireless mics without understanding whether and to what extent proposed solution technology, such as spectrum sensing devices, are able to detect and avoid them. The Commission should also strongly encourage third parties to incorporate wireless mics into their independent test programs, and solicit feedback directly from the wireless mic manufacturers. Moreover, the Commission must create a test program that simulates the real world introduction of unlicensed devices into environments where incumbent devices such as wireless mics operate. RAC members use wireless mics in a wide variety of contexts, including urban environments, performance halls, theaters, hotels, convention centers, etc. The Commission must make every effort to recreate similar environments where devices might realistically compete for the same spectrum.

Going forward, the Commission must remember its obligation to protect all incumbents from interference. This obligation should be reflected in rules that provide all incumbents with meaningful protection. The various incumbent services in the "white spaces" have dramatically different transmission characteristics and power levels. Interference avoidance techniques that protect easily detected high-powered television broadcasters will not sufficiently protect wireless microphones. Although the proponents of unlicensed devices have touted "smart" radios as the total solution to interference avoidance in the "white spaces," this technology is unproven and untested. If this technology cannot be independently validated as an effective means to avoid interference with all incumbents, the Commission must seek out other solutions that will protect incumbent operations. Accordingly, RAC urges the Commission to begin a more thorough examination of how to establish control signals or beacons that will announce the presence of wireless mics to unlicensed devices. Likewise, the Commission should continue to explore identifying spectrum in the form of an adjacent or reserve channel for wireless mics.

In conclusion, wireless mics are important incumbents, and the proliferation of devices that disrupt their operation in the "white spaces" would have a profound impact on RAC's members and the broader recording industry. The Commission has stated that it will protect all incumbents, and this rulemaking cannot be considered a success unless wireless mics are protected. To ensure success, the Commission must include wireless mics in its test program, and must provide meaningful protection for wireless mics in real world environments where unlicensed devices will be introduced. All interested parties will have to live with the Commission's rules for years to come. Ensuring that unlicensed devices are seamlessly introduced into the "white spaces" without creating widespread harm benefits the American public and merits a thorough and methodical approach to developing the rules that will regulate their operation.

Sincerely,

/s/

Rebecca Greenberg
National Director
Recording Artists' Coalition (RAC)